

ORDER OF BUSINESS

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- 3 PUBLIC QUESTION TIME**
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- 11 DATE AND TIME OF NEXT MEETING**
- 12 CLOSURE OF MEETING**

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 21 September 2016 commencing at 2:59pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Lisa O'Neill from Wheatbelt Business Network at 3:15pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance

BD West	President	West Ward
RD Duckworth	Deputy President	West Ward
HT McInnes	Councillor	Town Ward
MJ Ledwith	Councillor	West Ward
G Robins	Councillor	Town Ward
R O'Brien	Councillor	Central Ward
BP Taylor	Councillor	Central Ward
L Varone	Councillor	East Ward
N Mason	Chief Executive Officer	
C Vandenberg	Deputy CEO	
L Hobson	Manager of Works	
S Lockyer	Manager of Leisure Services	
T Dupagne	Camp Kulin Manager	

Apologies

R Bowey	Councillor	Town Ward
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3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Resolved to bring Item 10.1 forward whilst Camp Kulin Manager, Tanya Dupagne was in attendance.

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

10.1 Camp Kulin Manager – Intellectual Property (IP)

01/0916

Moved Cr Duckworth Seconded Cr Robins that Council close the meeting to the public under Section 5.23 (2) (a) of the Act – matters affecting employees.

Carried 8/0

Len Hobson and Simone Lockyer left the Council Chambers at 3:01pm

02/0916

Moved Cr Duckworth Seconded Cr McInnes that Council open the meeting to the public and that the items discussed by Council remain confidential until further notice.

Carried 8/0

Tanya Dupagne left the Council Chambers at 3:15pm

Len Hobson returned to the Council Chambers at 3:15pm

VISITOR/S

Lisa O'Neill from Wheatbelt Business Network entered the Council Chambers at 3:15pm and gave a brief presentation on WBN Marketing Tools.

Council adjourned for afternoon tea at 3:30pm

Council resumed from afternoon tea at 4:00pm

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

5.1 Shire of Kulin Ordinary Meeting – 17 August 2016

03/0916

Moved Cr McInnes Seconded Cr Varone that the minutes of the Ordinary Council Meeting held on 17 August 2016 be confirmed as a true and correct record.

Carried 8/0

5.2 Bush Fire Brigades Annual General Meeting – 23 August 2016

04/0916

Moved Cr Taylor Seconded Cr Robins that the minutes of the Bush Fire Brigades Annual General Meeting held on 23 August 2016 be received.

Carried 8/0

5.3 Kulin Child Care Management Committee Meeting – 16 August 2016

05/0916

Moved Cr McInnes Seconded Cr O'Brien that the minutes of the Kulin Child Care Centre Management Committee Meeting held on 16 August 2016 be received.

Carried 8/0

5.4 Kulin Bush Races Committee Meetings – 10 & 29 August & 6 September 2016

06/0916

Moved Cr Robins Seconded Cr O'Brien that the minutes of the Kulin Bush Races Committee Meetings from 10 & 29 August & 6 September 2016 be received.

Carried 8/0

5.5 Roe Tourism Association Meeting – 15 August 2016

07/0916

Moved Cr Varone Seconded Cr Taylor that the minutes of the Roe Tourism Association Meeting held 15 August 2016 be received.

Carried 8/0

6.1 List of Accounts – August 2016

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.06
AUTHOR: DCEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the list of accounts paid during the month of August 2016 for Council's consideration.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That August payments being cheque No's 218, 165, 343 - 345 (Trip & Trust Funds), 1869 - 1878 (Bush Races), 36635 - 36646 (Municipal), EFT No's 11743 – 11824, DD5870.1 – 5873.11 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$320,483.25 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

08/0916

Moved Cr Ledwith Seconded Cr Robins that August payments being cheque No's 218, 165, 343 - 345 (Trip & Trust Funds), 1869 - 1878 (Bush Races), 36635 - 36646 (Municipal), EFT No's 11743 – 11824, DD5870.1 – 5873.11 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$320,483.25 be passed for payment.

Carried 8/0

6.2 Financial Reports – August 2016

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.01
AUTHOR: DCEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the financial reports for the period ending 31 August 2016.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare each month a statement of financial activity reporting on the revenue and expenditure of funds for the month in question.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the monthly financial statements for the period ending 31 August 2016.

VOTING REQUIREMENTS:

Simple majority required.

09/0916

Moved Cr Robins Seconded Cr Varone Council endorse the monthly financial statements for the period ending 31 August 2016.

Carried 8/0

6.3 MRWA – Shire – Brookfield Pty Ltd - Interface Agreement

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 08.08
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Main Roads WA; Shire; Brookfield Pty Ltd Road Rail Interface Agreement – Non Operational Lines for signing. The agreement is finalised following the negotiation of the agreement by WALGA during 2015/2016.

The Agreement terms and conditions have now been developed/agreed by WALGA following extensive local government input (44 Shires involved) and oversight by the Office of the National Rail Safety Regulator.

The Agreement was presented to CEO's by WALGA – requesting the earliest acknowledgement that there was potential for the Council to sign. I indicated such after consultation with other CEO's in the region and now WALGA/Brookfield Pty Ltd will supply the data populated agreement for signing.

BACKGROUND & COMMENT:

The Office of the National Rail Safety Regulator wrote to Shires in April 2016 asking why Interface Agreements had not been signed with Brookfield Rail Pty Ltd. The delay had occurred because of questions raised by local government about the powers of Brookfield to direct works on local roads without reference to local government (even if the work was required).

Local government also questioned the need for the agreement on Tier 3 lines where trains had been non-operational for many years. At the point where the National Regulator was requiring local government to sign agreements, WALGA were asked to intervene and take a whole of local government collaborative approach.

With WALGA taking lead on negotiations, Brookfield then started to address issues previously identified. It was agreed to resolve definitions for both operational and non-operational lines that then allowed issues of concern to have different responses, particularly around crossing maintenance. WALGA have supplied a summary sheet of the amended changes to the agreement and this is available if required.

In the case of Kulin Shire, the new Agreement is populated with the details of all our crossings.

FINANCIAL IMPLICATIONS:

The removal of the authority of Brookfield to undertake works outside the crossing (e.g. sight distance works) without consultation with the local government eliminates the fears that excessive non budgeted expenses could be applied to the local government.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

As has been the case for some time, Shire required works on crossings will still be required to be presented to Brookfield for them to complete. In the case of Brookfield wanting to work outside the danger zone on Shire roads – they will now have to present a scope of works to the Shire for discussion and approval.

COMMUNITY/CONSULTATION:

Regional Shire CEO's have discussed the amendments to the agreement and all concur that the new agreement satisfies the concerns raised in 2015.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the Interface Agreement for Public Road and Rail Crossing at Grade Interfaces between MRWA, the Shire of Kulin and Brookfield Pty Ltd be adopted and signed by the Shire.

VOTING REQUIREMENTS:

Simple majority required.

10/0916

Moved Cr McInnes Seconded Cr Robins that the Interface Agreement for Public Road and Rail Crossing at Grade Interfaces between MRWA, the Shire of Kulin and Brookfield Pty Ltd be adopted and signed by the Shire.

Carried 8/0

6.4 WALGA – Secondary Freight Routes in the Wheatbelt Contribution to RDC Grant Application from Shires

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 28.06
AUTHOR: CEO
STRATEGIC REFERENCE/S: 1.2 Safe and Efficient Transport Network
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Regional Road Groups (RRG) Wheatbelt North and South have over the past 12 months been working on the concept of mapping what would be the preferred secondary freight roads in their regions.

Now that this work has been completed and adopted at the RRG meeting in Wickepin in August 2016, the RRG's, supported by the MRWA, WALGA and the RDA have canvassed Shires about the potential to seek funding via the Regional Development Commission grant to develop a regional argument for additional funding.

It is estimated the grant would be for \$300k and requires Shire's to provide financial and in-kind support. As the grant applications close prior to the Council meeting – as CEO, I have nominated a financial contribution to the grant of \$2000 and seek Council support for this decision.

BACKGROUND & COMMENT:

The RRG work has been seen by MRWA as leading the nation in terms of combined effort to seek additional funding. Now that the mapping has been completed – additional research on estimates and scope of work is required on the additional 80 freight routes identified.

To facilitate the research, WALGA is proposing a Wheatbelt Development Commission grant application (prepared by the Regional Development Australia Inc.) on behalf of all Wheatbelt RRG Shires to progress the information, documents required, scope of works etc. with the view to making a case for additional national funding to the Federal Government. All secondary roads on the mapping were seen as potentially being upgraded to RAV 7 on the Restricted Access Vehicle (RAV) network.

This combined approach has real merit and as the applications for grants closed 12 Sept 2016 – as CEO I was required to make a call as to what the Council position would be. I have written to the RDA indicating this view.

I consulted with RoerOC Shire CEO's to gain an opinion as to what they thought – and collectively we agreed to offer a financial contribution of \$2000 each to the project.

FINANCIAL IMPLICATIONS:

\$2000 – potentially next financial year – if the RDA grant is successful. Some potential that this contribution may be required this financial year.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Councillor Robins assisted staff in the preparation of the RAV review – which feeds into the information relating to the secondary network and the eventual selection of which roads best service the Shire needs as secondary routes.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the Shire of Kulin agree to contribute \$2000 (when required) for the Regional Development Australia Inc. grant application on behalf of Regional Road Group Shires to the Regional Development Commission for secondary freight routes and the CEO action in indicating such be acknowledged.

VOTING REQUIREMENTS:

Simple majority required.

11/0916

Moved Cr Robins Seconded Cr Taylor that the Shire of Kulin agree to contribute \$2000 (when required) for the Regional Development Australia Inc. grant application on behalf of Regional Road Group Shires to the Regional Development Commission for secondary freight routes and the CEO action in indicating such be acknowledged.

Carried 8/0

6.5 Lease Agreements - Department of Housing - Lot 22, 10 Price Street, Kulin; Lot 39, Unit 1, 21 Ellson Street, Kulin & Lot 39, Unit 2, 21 Ellson Street, Kulin Delegation to CEO to Sign Housing Agreements

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.11 Residential Housing
AUTHOR: CEO
STRATEGIC REFERENCE/S: 4.6 Collaborative Relationships
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Seek Council agreement to sign a Dept. of Housing Lease Agreements for Lot 22, 10 Price Street and Units 1 & 2, 21 Ellson Street, Kulin.

BACKGROUND & COMMENT:

Dept. of Housing has requested the renewal of leases for Units 1 & 2 Ellson Street, Kulin for a 1 year period (from 17th May 2016) with a one year option at a weekly rent of \$290 for both units.

During Budget discussions it was advised that following the completion of painting and maintenance by the Shire, Lot 22, 10 Price Street (Police Dept. residence) would be ready for lease renewal with the Dept. of Housing. The lease is for a weekly rental of \$497.00 over 3 years commencing 10 August 2016.

Delegation

These are continuations of existing lease agreements. Research as to the power of the CEO to sign the lease document via delegation determined that no authority existed, therefore all lease renewal matters are required to be referred to Council for an approval to sign. It is proposed for the Policy review currently underway, that CEO delegation be created to allow the administrative management of housing stock leases without reference to Council.

FINANCIAL IMPLICATIONS:

Lot 39, Unit 1 & 2 Ellson Street - \$290 per week – 1 year with 1 year option.
Lot 22, 10 Price Street - \$490 per week - 3 years with 1 year option.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the Dept. of Housing lease agreements for Lot 22, 10 Price Street and Lot 39, Units 1&2 Ellson Street, Kulin be adopted and signed.

VOTING REQUIREMENTS:

Simple majority required.

12/0916

Moved Cr Duckworth Seconded Cr O'Brien that the Dept. of Housing lease agreements for Lot 22, 10 Price Street and Lot 39, Units 1&2 Ellson Street, Kulin be adopted and signed.

Carried 8/0

6.6 Lease Assignment – St Johns Ambulance WA – Emergency Services Building, Lot 312, Johnston Street, Kulin

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.02 Emergency Services Building
AUTHOR: CEO
STRATEGIC REFERENCE/S: 4.6 Collaborative Relationships
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Seek Council agreement to assign the balance of the Emergency Services Building lease to St Johns Ambulance WA following a name change.

BACKGROUND & COMMENT:

St Johns have undergone a restructure of legal entity combining 3 previous entities under a single name; St Johns Ambulance WA. They have requested Council approve the assignment of the lease over Lot 312 Johnston Street, Kulin into the newly named trading entity.

The current 21 year lease agreement was dated the 22 Oct 1996, expiring on the 1 June 2017 with a further 2 options for periods of 21 years.

No reason to decline this request is evident.

This is the re-assignment of a continuation lease agreement to a new entity. Upon research, it was found the CEO has no delegation to approve such therefore is referred to Council for a decision.

Again, formal policy detailing delegation to process administrative matters without reference to the Council will be part of the Policy manual review process and policy will be presented to allow the administrative requirements to manage the lease agreements without reference to Council. eg. in the case of standard lease issues that effectively change nothing.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the assignment of the Lease Agreement for the Emergency Services Building at Lot 312 Johnston Street, Kulin to St Johns Ambulance WA be approved.

VOTING REQUIREMENTS:

Simple majority required.

13/0916

Moved Cr Duckworth Seconded Cr Varone that the assignment of the Lease Agreement for the Emergency Services Building at Lot 312 Johnston Street, Kulin to St Johns Ambulance WA be approved.

Carried 8/0

6.7 Kulin Country Women's Association - Building

NAME OF APPLICANT: Country Women's Association
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 02.09
STRATEGIC REFERENCE/S: 4.6 Collaborative Relationships
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Correspondence (15 Aug 2016) from the General Secretary of The Country Women's Association of WA (Inc.) regarding the potential relinquishment of the Kulin CWA Rest Rooms and Crown Grant title on Johnson St, Kulin (Reserve Loc. 24388 Lot 4 2251 333A/83 C/T 1052/392) to be taken up by the Shire.

The Council's last resolution on the matter in February 2014 (below) suggested that Council raise no objection to the property being held by the Kulin CWA – i.e. relinquished by CWA and held by Kulin CWA. Subsequent information from Dept. of Lands has moved this conversation to where now it appears that the suggestion is that the property would be taken up by the Shire of Kulin, on-sold or leased and the building would be retained for CWA use.

Correspondence from the Dept. of Lands outlines these possible options – extracted in the report.

Seeking Council guidance in relation to the options in light of potential outcomes and a subsequent motion stating Council's position would assist.

BACKGROUND & COMMENT:

The previous report item in February 2014:

Mrs Bowey did approach me some time ago advising of her intentions and at this stage I am not certain, if the freehold title is granted, what assistance they would be expecting from the Shire.

I suggest that the best way to handle it is for us to agree that we have no objection to the local branch gaining freehold title however I also suggest that we arrange a meeting with the local branch to discuss what they expect from the Council and community if and when this is obtained.

In my view I do not believe we should put the Council in a position where the building falls into disrepair and the Council is asked to assist with its refurbishment, nor do we want to get involved in a debate about whether the building should or should not be demolished if we ever reach that point.

09/0214

Moved Cr Duckworth Seconded Cr Taylor that Council raise no objection to Lot 4 Johnston St, Kulin being freeholded to the local branch of the CWA, subject to further discussion with the branch over ongoing maintenance responsibility for the building.

Carried 7/0

Council advised the Dept. of Lands that it had no objection to the lot being relinquished freehold to the CWA Kulin – in accordance with the resolution but a responding email from Dept. of Lands clarified the process; but added significant complication and uncertainty to the intended plan.

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

From: Emrose, Kevin [mailto:Kevin.Emrose@lands.wa.gov.au]
Sent: Tuesday, 15 December 2015 9:59 AM
To: Greg Hadlow <ceo@kulin.wa.gov.au>
Subject: Kulin Lot 4 Rest Room CWA

Good morning Mr Hadlow, with regard to your letter of 30 January 2015 (Your Ref 05.19) concerning the future ownership and management of Kulin Lot 4, please accept my apologies for the tardiness of this response.

While the Kulin Branch of the CWA is exploring solutions to ensure (as best possible) that the amenity of the property and service to the local community is preserved, it is worthwhile to note that the actual conditional freehold title of the land is held by the Country Women's Association of Western Australia (i.e. Head Office).

Possible tenure options do not appear to be fully articulated at this point accordingly I would ask you to also forward a copy of this e-mail to the local branch of the CWA for their information and consideration as well, please.

1. The 'Crown Grant in Trust' over Lot 4 on Deposited Plan 228753 was issued in 1937 under the Land Act 1933 to The Country Women's Association of Western Australia Incorporated to be used for the sole purpose of 'rest room'. Under the Transitional and saving provisions of Schedule 2 of the Land Administration Act 1997 (LAA) such Grants are to be taken to be land transferred in fee simple subject to conditions referred to in section 75 of the LAA, that is, put simply the provisions of s75 of the LAA apply to them. Section 75 of the LAA has the following provisions, under s75(7) the Minister may cancel conditions (trust) on application from the holder, such application must be accompanied by the land purchase price. If the applicant does not want to pay the land purchase price then the Minister may under s75(7a) in prescribed circumstances (i.e. in subsidiary legislation) waive the land purchase price subject to prior approval of the Treasurer. Assuming that the CWA seeks purchase price waiver then if the provisions of s75 are successfully navigated the outcome will be the condition / trust restriction will be removed from the Certificate of Title by Minister Order (a document generated and lodged for registration at Landgate by this Office). The CWA would be able to deal on the land without further reference to the LAA i.e. it could sell / convey the land as a normal private dealing. **Comment** - the process is lengthy and has inherent uncertainty. CWA approach would need to be supported by a compelling case.

2. Transfer of the conditional title to the Shire with the Trust in place. This Office is prepared to support such an approach and submit the proposal to the Minister for his consideration. S75(5) permits the transfer of conditional tenure land subject to the Minister written approval. Such an approach must be from CWA Head Office and supported by a suitable Council resolution (a) accepting ownership, (b) outlining how the ownership of the improvements will be dealt with, (c) commitment (as outlined in the Shire's letter) of preferential treatment of the CWA Kulin Branch for tenancy. **Comment** – a shorter process (Minister for Lands and DoL only) with a reasonable expectation of success if all issues are identified and negotiated outcomes agreed to prior to seeking the Minister's approval.

3. Surrender of the conditional tenure land back to the State on the condition that the land is subsequently reserved (for instance) "Community Purposes" with a conditioned management order offered to the Shire. This would entail a relatively straight forward land dealing, the State would need statement regarding outstanding rates and utilities payments etc., statutory declaration as to contamination, evidence to agreement with Shire pertaining to transfer of ownership / responsibility for all improvements and on what basis e.g. as is or something else. Again a Council resolution in support of the dealing and the subsequent reservation and acceptance of management order will be necessary. As to the management order standard power to lease and licence provisions can be incorporated, wording to the intent i.e. preferential treatment of CWA Kulin Branch can also be incorporated.

Comment - a shorter process (Minister for Lands and DoL) with a reasonable expectation of success if all issues are identified and negotiated outcomes agreed to prior to seeking the Minister's approval.

Hopefully the above is of assistance, brevity dictates that not all issues are not fully explained, happy to discuss any areas of concern with CWA Kulin Branch, CWA Head Office or with yourself. For convenience a copy of s75 of the LAA attached.

Regards

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

Kevin Emrose | Assistant Manager | Case Management - Goldfields Esperance and Wheatbelt Department of Lands | Level 2, 140 William Street | Perth WA 6000

The General Secretary correspondence (points of note highlighted):

As you are aware, the Kulin CWA Branch have been keen to hand over their building and land to the Shire of Kulin. I apologise sincerely for taking so long to progress this matter further.

In late 2015 the CWA State Management Committee agreed to this plan. The Committee approved for the Kulin CWA Crown Grant to be relinquished to the State Government, with the Crown Grant hopefully to be taken over by the Shire of Kulin. It is hoped that if this takes place, that the Kulin CWA would still have the use of the building for their meetings and activities, along with other groups as discussed. This arrangement has worked well in a number of other places.

From subsequent email contacts with your predecessor Greg Hadlow and discussions with branch members it is my understanding that the Shire of Kulin was interested in purchasing the property at market price and at one stage the neighbours Landmark were interested in purchasing the rear part of the land, but that aspect may have changed by now.

When I attended the Camp Kulin Project morning tea in January this year, members were able to fully apprise me of the situation with the building and their hopes for the Shire to take it over.

On 22 March 2016 the Association met with a number of Case Managers from Department of Lands (DoL) to discuss the process of relinquishing Crown Grant properties in general and a number of instances in particular.

The Case Manager who covers Kulin area, Mr Chris Ziatas, attended the meeting and is therefore aware of this plan. It was requested that I include the relevant DoL contacts in any communications with Shires, so that they would be aware of the progress and could advise me of any requirements at relevant stages.

The meeting was chaired by Mr Gilbert Tyack, Manager Land Sales for DoL, who would also be involved in this process if Shire of Kulin wish to purchase this property. I will therefore also email this letter to Gilbert Tysack and Chris Ziatas.

It is hoped that you will take this letter to the Kulin Shire Council for consideration. Enclosed with this letter is a copy of information emailed by Gilbert Tyack after the meeting in March.

The next CWA State Management Committee meeting is on 14 & 15 September 2016 and any response from the Shire of Kulin will be taken to that meeting.

If more information is required then please contact me at CWA State Office on 9321 6041.

I look forward to hopefully working with you on this project to the benefit of all parties involved.

Yours sincerely

It is clear that the conversation has shifted from the February 2014 resolution, with the conversation now suggesting that the Shire take-up the landholding, either via DoL process 1, 2 or 3.

Landmark have again confirmed that they have an interest in purchasing the rear of the lot.

The primary aim of CWA Kulin is not to be a burden on the Shire or Kulin members or to have the ownership of the facility taken back by Head Office and at some future date a sale to purchasers unknown which would remove the local access/ownership of the Rest Rooms. To do so CWA HQ would be faced with the DoL options.

I have outlined decision options in a table; and whilst I have heard much of the reasoning and conversation about why this report is required – I am not in a position to be aware of the composite Council or community view on how to resolve the matter.

FINANCIAL IMPLICATIONS:

Shire staff estimate that the Dept. of Lands market value for Lot 4 would be in the range of \$5k - \$7.5k. Any higher, and the financial impost for the land would make questionable on-selling the lot to Landmark – as the expectation would be to recover the whole of the cost of purchase from the sale of the rear lot. Without DoL indicating what they require for the lot – Shire can be assured CWA HQ would expect that the total cost would be Shires.

Current condition status of CWA building is unknown – formal assessment has not been undertaken. Evidence would suggest structural and maintenance issues abound in the building.

Council purchase of the building may result in significant impost, particularly if Shire required to upgrade to “public building” (including disabled access etc.) status as would be expected if Shire took ownership.

Purchase to keep closed to the public seems a pointless exercise –therefore funding would need to be found to bring the building back to a usable public building state.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

CWA lot is zoned commercial under the Town Planning Scheme 2 (TPS2) – therefore existing use by CWA and future use by Landmark would be consistent with TPS2 provisions.

The CWA building (constructed 1937) was listed in the State Heritage List in 1999 following its entry into the Shire of Kulin Municipal Inventory of Heritage Places (No5) in 1997.

The Deemed Provisions for Shire of Kulin TPS2 created under the Planning and Development Act 2005 (Council currently advertising adoption of TPS2) establish the planning framework for places of heritage or cultural significance – Part 3 Heritage protection.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Subject to the nature of the decision taken – additional community and targeted consultation may be required.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

As detailed in the table.

VOTING REQUIREMENTS:

As detailed in the table – Attachment 7.

14/0916

Moved Cr Duckworth Seconded Cr Taylor that the resolution 09/0214 be rescinded and; that the Shire leave the determination of what occurs with Lot 4 to CWA HQ, and that the CEO advise CWA Kulin of the complications pertaining to the transfer of Lot 4 and indicate to CWA HQ that if they ever intend to return Lot 4 to the Crown, Shire would like to be informed.

Carried by Absolute Majority 8/0

6.8 Kulin Bushfire Brigades – Amalgamation of Brigades

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 09.02 Bushfire Administration
AUTHOR: CEO
STRATEGIC REFERENCE/S: 4.8 Human Resource Excellence
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Item 6.12 of the Shire of Kulin Bush Fire Brigades Minutes of the meeting held 23 August 2016 requested Council to consider the question of amalgamating Brigades across the Shire.

As a precursor to further consideration; suggesting that all Brigades and FCO's be contacted for comment and suggestion as to possible Brigade configuration and boundaries.

BACKGROUND & COMMENT:

Following the Holt Rock/Little Italy brigade amalgamation, the meeting discussed the merits of the current configuration of Shire of Kulin Brigades.

The meeting discussed the potential of additional brigade amalgamations in the Shire of Kulin whilst recognising that from a DFES perspective 3 primary Zones exist in the Shire. The meeting agreed that in terms of the ever decreasing membership, time and effort in servicing the number of brigades and Brigade FCO's it may be appropriate now to review Brigade boundaries and numbers.

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

The meeting recognised the significant history of Brigades in the Shire and that for many years they have supplied the backbone of fire protection in the Shire and that there may be some resistance to changes. For this reason it was suggested a consultation process should precede any consideration.

The power to amalgamate or change Brigade coverage rests with a decision of the Council; followed by a process of implementation with DFES for reporting and management purposes.

FINANCIAL IMPLICATIONS:

Time and workload of Shire staff in annually maintaining records across all Brigade will be reduced slightly.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Letters to Brigades outlining the Shire position and requesting comment and suggestion as to the possible future Brigade numbers, locations and boundaries as a starting point to changes in Brigade configurations proposed.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council adopt the recommendation 6.12:-

That the Shire of Kulin instigate a review of Brigades in 2016 considering amalgamation and/or alteration of brigade boundaries with the intent of adopting a more serviceable system of fire control. The process commence with a request to Brigades to make suggestion as to what they would consider important for themselves and others in this review.

VOTING REQUIREMENTS:

Simple majority required.

15/0916

Moved Cr O'Brien Seconded Cr Robins that the Shire of Kulin instigate a review of Brigades in 2016 considering amalgamation and/or alteration of brigade boundaries with the intent of adopting a more serviceable system of fire control. The process commence with a request to Brigades to make suggestion as to what they would consider important for themselves and others in this review.

Carried 8/0

6.9 Chief Executive Officer – Annual Leave; ABCD Conference Attendance

RESPONSIBLE OFFICER: CEO

FILE REFERENCE:

AUTHOR: CEO

STRATEGIC REFERENCE/S:

DISCLOSURE OF INTEREST: CEO declares a financial interest in this Item

SUMMARY:

Chief Executive Officer seeking Council approval for a period of Annual Leave from 2 January 2017 to the 13 January 2017; combined with attendance at the Asset Based Community Development (ABCD) Conference in Goa India 15 – 20 January 2017, with an invitation to present as a conference speaker presenting on community development in Kulin.

The conference convenor, Peter Kenyon has agreed to include the presentation on Kulin at this International ABCD Conference.

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

Other than conference fees (\$345) - there is no cost to the Shire. Conference fees would be allocated to the annual allowance for the CEO to attend such events.

BACKGROUND & COMMENT:

As part of the discussions held with Peter Kenyon on Kulin and possible expansion into the community development space for Kulin as a trainer and master class location; it was discussed the possible participation in the International ABCD conference as a speaker.

The exact timing of departure from Kulin is subject to flight options late December, but with public holidays and Christmas closure there will be little impact. It is intended to be in Kulin over Christmas. No Council meeting in January 2017.

I am prepared to commit my time to undertake the presentation/promotion of Kulin during the conference, my partner may also be attending some elements of the conference.

FINANCIAL IMPLICATIONS:

Conference fees - \$345 – early bird registration - \$425 after 1 October.

By way of my personal involvement with a holiday group, accommodation in Goa can be organised at no expense to Council; airfares would be part of my personal expenses.

Cost of appointing Acting CEO for the period.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

CONSULTATION:

With DCEO in regards to timing, workload and alignment issues.

WORKFORCE IMPLICATIONS:

Appointment of DCEO as Acting during the period of annual leave should be a consideration – particularly in relation to Bush fire matters – and that ready communication may not be available. Email contact will still be available.

RECOMMENDATION:

That CEO Annual Leave from 2 – 13 January 2017; combined with attendance at the Asset Based Community Development (ABCD) Conference in Goa India 15 – 20 January 2017 be approved.

VOTING REQUIREMENTS:

Simple majority required.

16/0916

Moved Cr Duckworth Seconded Cr O'Brien that CEO Annual Leave from 2 – 13 January 2017; combined with attendance at the Asset Based Community Development (ABCD) Conference in Goa India 15 – 20 January 2017 be approved.

Carried 8/0

6.10 Shire of Kulin - Position Statement – Pre State Election March 2017

RESPONSIBLE OFFICER: CEO

FILE REFERENCE:

AUTHOR: CEO

STRATEGIC REFERENCE/S: 4.2 Leadership Ideas to Complement Existing Strategies

DISCLOSURE OF INTEREST: Nil

SUMMARY:

A position statement outlining issues relevant to the Shire of Kulin has been prepared for circulation as a flyer for State and Federal Ministers, local politicians and government agencies. The statement will also be extracted for corporate donors for Camp Kulin as we prepare a campaign to seek additional funding for camp expansion.

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

The major issues from an administrative viewpoint have been included – the position statement is presented to Council for adoption. Additional suggestions for items are welcomed.

BACKGROUND & COMMENT:

As explained in the Summary.

FINANCIAL IMPLICATIONS:

Cost of staff preparation – mailing and/or email costs.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council adopt the Shire of Kulin Position Statement dated Sept 2016 for circulation to local politicians.

VOTING REQUIREMENTS:

Simple majority required.

17/0916

Moved Cr Varone Seconded Cr Taylor that Council adopt the Shire of Kulin Position Statement dated Sept 2016 for circulation to local politicians with the inclusion of items on the expansion of the mobile network and the impact on the road network condition from the shift from rail to road for grain cartage. Carried 8/0

NOTE: Change to the Officers Recommendation

The Officers recommendation was altered to include additional items of concern that Council wanted included in the Position Statement.

6.11 Plant Tenders

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 23.05
AUTHOR: CEO
STRATEGIC REFERENCE/S: Budget
DISCLOSURE OF INTEREST: Nil

SUMMARY:

In accordance with the adopted budget, tenders have been called for;

- Road Grader – 100kw range;
- Backhoe – 60kw range;
- Skid Steer loader – 40kw range;
- For sale by tender – trade-ins for the above items;
- Bitumen and Aggregate requirements for 2016/17.

BACKGROUND & COMMENT:

Tenders for the listed items close at 4pm on Monday 19 September 2016. After tenders close, a table detailing tenders received will be prepared for the Council meeting and presented on the 21 September as a late addition to this report.

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FINANCIAL IMPLICATIONS:

In accordance with the 2016/17 Budget allocation for the replacement of the various items;

Item	Estimate Purchase	Trade or Sale	Net
Grader	\$340,000	\$80,000	\$260,000
Backhoe	\$160,000	\$30,000	\$130,000
Bobcat	\$ 55,000	\$ 5,000	\$ 50,000

Projected usage of Bitumen and Aggregate as per job specifications for each bitumen job.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

To be provided in the report tabled on meeting day – now attached.

VOTING REQUIREMENTS:

Simple majority required.

18/0916

Moved Cr O'Brien Seconded Cr Duckworth that Council purchase the Cat 12M Grader, Cat 432F2 Backhoe and the Cat 226D Skidsteer Loader from Westrac for a changeover price of \$436,617.

Carried 8/0

19/0916

Moved Cr McInnes Seconded Cr Taylor that Council accept the tender from Bitutek for \$226,740 to supply Council's bitumen requirements for 2016/17.

Carried 8/0

Cr Robins declared a financial interest in Item 6.11 Plant Tenders and left the Council Chambers at 5:15pm

20/0916

Moved Cr Duckworth Seconded Cr Ledwith that Council accept the tender from Castle Equipment for \$94,770 to supply Council's aggregate requirements for 2016/17; and accept the tender from Kulin Kulin Transport for \$34,712 to deliver aggregate.

Carried 8/0

Cr Robins returned to the council Chambers at 5:21pm

6.12 Ward Review

NAME OF APPLICANT:	CEO
RESPONSIBLE OFFICER:	CEO
FILE REFERENCE:	13.04
STRATEGIC REFERENCE:	
AUTHOR:	CEO
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

CEO has received information from the Dept. Local Government & Communities (DLGC) Advisory Board that it is likely that in October 2016 the Shire of Kulin will be requested to prepare a review of the Shire Ward system to achieve equality in the representation balance (the usual + or – 10%).

In the past the Shire of Kulin has commenced the process by having staff prepare a discussion paper for distribution and public comment.

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

Seeking Council's endorsement to again commence this process.

BACKGROUND & COMMENT:

The DLGC Advisory Board provided early notice by email that a review of representation in Kulin Shire would be triggered at the Board's September meeting and formal notice will be issued shortly thereafter.

As the timeframe to complete the review prior to the commencement of the next election cycle is reasonably tight – the DLGC Advisory Board suggested Council's commence the process forthwith.

The process should not be unfamiliar to most members – the last review was undertaken in 2014 for the 2015 election cycle. The DLGC has requested all submission for representation be presented to them no later than the 31st March 2017 – but has suggested sooner than this end date would assist.

It is proposed that if commenced now;

- Discussion paper prepared and presented to Council for October meeting (latest Nov meeting)
- Advertising, comment and report preparation period takes closes 2 months - for consideration at the Council December meeting (latest and next meeting is February)
- Present the proposed draft submission back to the community for a 21 day comment period
- Assessment of final comments – if no major issues; submission to the DLGC in January (late)
- If issues arise requiring Council consideration -0 present these items to the Feb meeting cycle - with submission to the DLGC Advisory Board shortly thereafter.

Commencing now will provide one monthly cycle spare in the process.

FINANCIAL IMPLICATION:

Staff time preparing the review and advertising costs for the community consultation process (times 2).

STATUTORY AND TOWN PLANNING IMPLICATIONS

A ward review is required in accordance with clause 6.3 of Schedule 2.2 of the Local Government Act.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

As per the Local Government Advisory Board's Guide on how to undertake a review.

WORKFORCE IMPLICATIONS:

Nil

OFFICER RECOMMENDATION:

That the CEO and staff prepare a discussion paper relating to the review of Wards and Councillor representation for consideration by the Council at the October meeting.

Once prepared Council will;

- Adopt the discussion paper with or without amendment;
- Undertake public consultation throughout the Shire inviting comments on the proposal;
- Prepare a report for Council's December 2016 meeting including assessment of comments received and outlining a draft submission for the DLGC Advisory Board for consideration;
- Present the draft submission back to the Community for a 21 day comment period;
- Subject to the level and nature of the comments (with reference to the President and Deputy President) either submit the submission to the DLGC with or without modification;
- Or in the event of substantive objection requiring consideration, report back to Council at the February 2017 meeting.

VOTING REQUIREMENTS:

Simple majority required.

21/0916

Moved Cr Taylor Seconded Cr Robins that the CEO and staff prepare a discussion paper relating to the review of Wards and Councillor representation for consideration by the Council at the October meeting.

Once prepared Council will;

- Adopt the discussion paper with or without amendment;
- Undertake public consultation throughout the Shire inviting comments on the proposal;
- Prepare a report for Council's December 2016 meeting including assessment of comments received and outlining a draft submission for the DLGC Advisory Board for consideration;
- Present the draft submission back to the Community for a 21 day comment period;
- Subject to the level and nature of the comments (with reference to the President and Deputy President) either submit the submission to the DLGC with or without modification;
- Or in the event of substantive objection requiring consideration, report back to Council at the February 2017 meeting.

Carried 8/0

6.13 Comment Request - Application for Mining – Strother Mining – M70/1344; Holt Rock North Rd Delegation of CEO to Approve – where minimal road impact

NAME OF APPLICANT: Strother Mining
RESPONSIBLE OFFICER: CEO/Works Manager
FILE REFERENCE: 08.09 Mining
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

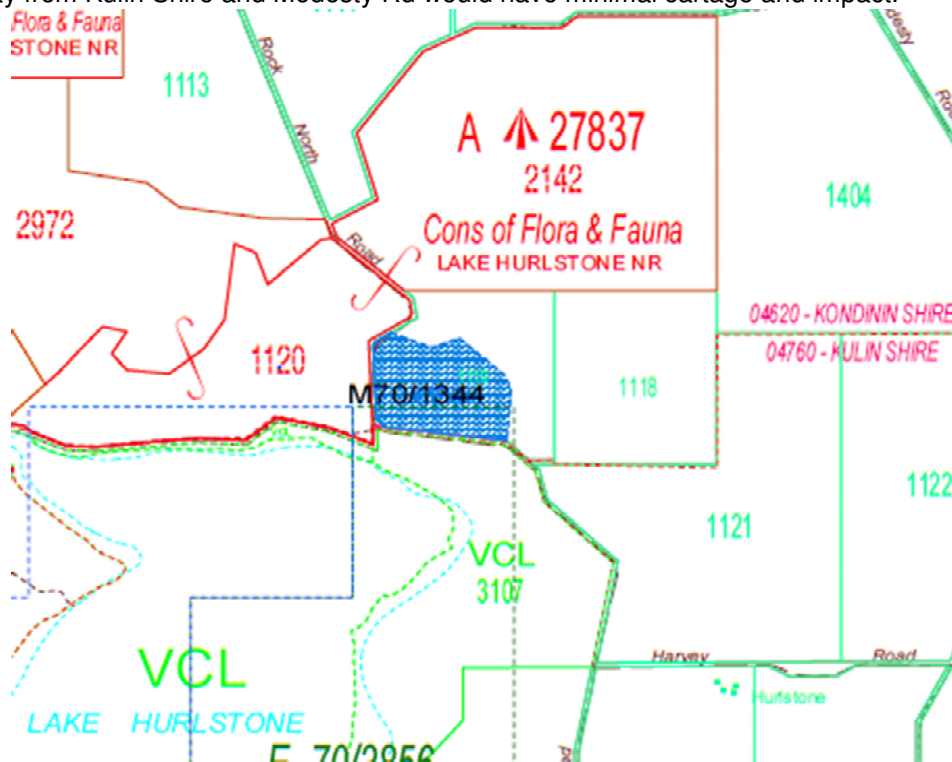
SUMMARY:

The Shire of Kulin is asked to comment on M70/1344 and the likely impact on Shire roads. It is a requirement of the application for Strother Mining to demonstrate they have consulted neighbours and the Shire in relation to local impacts.

BACKGROUND & COMMENT:

Application by G Strother to mine gypsum from mining lease M70/1344 transporting along Holt Rock North Road and Modesty Rd.

Works Manager indicated that proposal will have minimal impact on Shire roads. Carting on Holt Rock North Rd leads away from Kulin Shire and Modesty Rd would have minimal cartage and impact.



FINANCIAL IMPLICATIONS:
Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

As part of policy review – delegation to approve the CEO to respond with comment to applications where it is determined by the Works Manager to have little impact on the Shire roads be a matter of course – with report to Council via outward correspondence. Provision be made for CEO to instigate public consultation prior to report being prepared for Council on more impactful applications.

COMMUNITY/CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Strother Mining be advised that the Shire of Kulin has no objection to the use of Shire roads in the vicinity of M70/1344.

VOTING REQUIREMENTS:

Simple majority required.

22/0916

Moved Cr Duckworth Seconded Cr Taylor that Strother Mining be advised that the Shire of Kulin has no objection to the use of Shire roads in the vicinity of M70/1344.

Carried 8/0

6.14 McIntosh & Sons – Request for Caravan Occupancy

NAME OF APPLICANT: Mr Brenton Aughey

FILE REFERENCE:

STRATEGIC REFERENCE/S: 2.1 'What we do'.

AUTHOR: Mr J Goldacre Environmental Health Officer (EHO) and Authorised Officer (AO) *Caravan Parks and Camping Grounds Act 1995*

SUMMARY:

A caravan was found to be occupied on Lot 294 being the McIntosh & Sons dealership by the EHO/AO on the 5 September 2016. A meeting with the person occupying the caravan revealed the intent was for a caretaker's arrangement to guard the premises whilst building construction was being completed by the onsite manager. The option to write to Council asking for permission to stay 12 months during the building construction was discussed and the Shire of Kulin office received such a letter on the 13 September 2016. In light of the caravan set up and facilities onsite and with appropriate conditions approval is recommended for 12 months stay in the caravan as permitted by the relevant legislation.

BACKGROUND & COMMENT:

In early September 2016 the EHO/AO was informed that Council were aware of a suspected caravan being used for occupancy at the McIntosh & Sons Dealership (Premises) on Lot 294 GBH Access Road (known as Pump Road) Kulin townsite. On the 5 September 2016 the EHO/AO visited the premises and spoke to Mr Brenton Aughey who was the manager of the premises and admitted to staying in the caravan located undercover on the premises. The EHO/AO explained the legislation and in summary said 3 nights in any 28 days with landowner permission was allowed and any longer than that would require Council approval. Mr Brenton Aughey explained when asked about staying in the Kulin caravan park that he was often asked to move out during peak times and was impractical to keep doing so.

During discussions it was revealed that a Building Permit has been issued for the large shed under construction and that the building currently onsite had a shower, toilet and a Crib room as well as a septic system. The EHO/AO said under the legislation permission could be granted for a caravan stay on land where a building permit has been issued for up to 12 months. Mr Brenton Aughey said this would be most suitable as the site required a person onsite as a 'caretaker' due to the possibility of theft which occurred recently with the contractors loosing 400 litre of fuel recently.

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Whilst an offence had occurred by staying longer than 3 nights in any period of 28 days the EHO/AO said Council in the first instance would prefer to resolve matters raised in a community minded spirit with mutually beneficial outcomes where possible. The EHO/AO asked if Mr Brenton Aughey could formally write to the Chief Executive Officer of the Shire of Kulin requesting Council permission to stay the 12 months whilst the building permit was in place to which he agreed. The letter requesting permission to stay the 12 months is attached and that suitably outlines the facilities and the purpose for staying onsite in the caravan.

The Subregulations of Regulation 11 of the *Caravan Parks and Camping Grounds Regulations 1997* allow for a local government to approve provided it will not result in the land being camped on for longer than 12 consecutive months; and only if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building permit has effect in relation to the land. Furthermore the facilities being the essential amenities as required under the *Health Act 1911* where the definition of a 'house' includes a caravan is deemed suitable to effect a stay of 12 months in this instance. A building permit where the building work is substantially started has effect for 24 months from the building permit issued date.

The EHO/AO discussed with Mr Brenton Aughey about the future plan for a formal caretaker's residence after the 12 months had expired which would be a Planning application under the Local Planning Scheme. Mr Brenton Aughey said he would raise the matter of a caretaker's residence with the owners as he was keen to see a caretaker's residence onsite to ensure hands on security.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995;
Caravan Parks and Camping Grounds Regulations 1997;

The current and the new 'Deemed' Local Planning Scheme have a 'caretakers' residence as an 'IP' use meaning it will require Council approval. It is an approved use in a Commercial and Industrial zone. Often caretaker's dwellings are either worded into the Local Planning Scheme or are a Policy to control size (generally up to 100m² in size) and occupancy such as if a business closes the caretakers dwelling needs to be vacated and the like. Specific details for a caretaker dwelling is not described in the Local Planning Schemes nor is there a Policy for caretaker's dwellings.

RECOMMENDATION:

That Council, pursuant to the intent of the *Caravan Parks and Camping Grounds Regulations 1997* Regulation 11 and Subregulations, approve Mr Brenton Aughey to camp in a caravan on the grounds of Lot 294 being the McIntosh & Sons Dealership CBH Access Road with the following recommended conditions being:

- (1). A maximum permitted stay to camp in the caravan being 12 months only for the duration of the valid building permit with the start date to camp being the 21 September 2016;
- (2). That the caravan, amenities and effluent disposal is effected in accordance with the *Health Act 1911* and the *Shire of Kulin Health Local Laws 1998* as applicable; and
- (3). Council reserves the right, should Council so choose, to revoke the approval to camp in a caravan on Lot 294 in the event there is any contravention of Condition (2).

And that Council authorises the Shire of Kulin Chief Executive Officer to issue and serve the written approval of Council to camp in a caravan on the grounds of Lot 294 being the McIntosh & Sons Dealership CBH Access Road inclusive of the three conditions.

VOTING REQUIREMENTS:

Simple majority required.

23/0916

Moved Cr O'Brien Seconded Cr Varone that Council, pursuant to the intent of the *Caravan Parks and Camping Grounds Regulations 1997* Regulation 11 and Subregulations, approve Mr Brenton Aughey to camp in a caravan on the grounds of Lot 294 being the McIntosh & Sons Dealership CBH Access Road with the following recommended conditions being:

- (1). **A maximum permitted stay to camp in the caravan being 12 months only for the duration of the valid building permit with the start date to camp being the 21 September 2016;**

- (2). That the caravan, amenities and effluent disposal is effected in accordance with the Health Act 1911 and the Shire of Kulin Health Local Laws 1998 as applicable; and
- (3). Council reserves the right, should Council so choose, to revoke the approval to camp in a caravan on Lot 294 in the event there is any contravention of Condition (2).

And that Council authorises the Shire of Kulin Chief Executive Officer to issue and serve the written approval of Council to camp in a caravan on the grounds of Lot 294 being the McIntosh & Sons Dealership CBH Access Road inclusive of the three conditions

Carried 7/1

Cr Duckworth asked that it be recorded that he voted against the motion.

7 COMPLIANCE

7.1 Compliance Reporting – General Compliance - August

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 - Compliance
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses General Compliance matters for the month of August 2016. The general compliance spreadsheet checklist includes details the majority of compliance and operation issues that are required throughout the year. Council should refer to the CEO any items they wish to raise for review each month.

This process is not definitive – each month additional items and/or actions may be identified and are then added to the monthly checklist workload. Some items are not always completed each month – e.g. quarterly actions and these will be notations.

Additionally – Items not completed each month will be contained in the report body.

Compliance recorded in this way should provide Council with the surety that all known compliance and operational requirements are being addressed as part of staff workloads and that a degree of internal audit is being completed.

BACKGROUND & COMMENT:

The Compliance Team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the administration staff member will send to the listed staff members an email detailing their compliance requirements for the month.

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will undertake the analysis of the work required and determine the extent of action needed that will be required to complete items. During Agenda week the monthly report/list is reviewed to ensure compliance items are completed and can be reported to Council. As the Agenda is prepared – the CEO or DCEO sign off on all completed items.

MATTERS OF NON COMPLIANCE: AUGUST 2016

Delegation Register – The LGA.s5.46 (3) requires the CEO to maintain a register in which all delegations exercised each month are recorded. We are still establishing the records for this item – it will be updated to 1 June 2016 (CEO appointment)

Uniforms Ordering – Not all staff have placed an order for uniforms – the rest will follow as year unfolds.

Statement of Earnings for Elected Members – Still ascertaining if Council is required to provide the Statements or if Councillors have to request the Statements. Will resolve next month.

Tin Horse Hwy Community Maintenance Day – Bush Races now utilise the Lions Club to undertake the maintenance at \$2k per annum – this can be removed from the listing.

Food Act reporting to DOH National Environment Protection Measure National Environment Protection Measure – staff have not been in a position to confirm with the Environmental Health Officer the status of these items.

FINANCIAL IMPLICATIONS:

In the generation of the report – Nil In terms of meeting compliance. There may be items that require additional administrative effort to complete or require external assistance to resolve. In those cases, individual financial implications will be reported.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Identified as necessary – this report Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council acknowledge the monthly General Compliance Report for August 2016. Where non-compliance is detailed, CEO to finalise outstanding items and report September 2016.

VOTING REQUIREMENTS:

Simple majority required.

24/0916

Moved Cr Taylor Seconded Cr Taylor that Council acknowledge the monthly General Compliance Report for August 2016. Where non-compliance is detailed, CEO to finalise outstanding items and report September 2016.

Carried 8/0

7.2 Compliance Reporting – Accounting Compliance - August

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.06
AUTHOR: DCEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses Accounting Compliance matters for the month of August 2016. The accounting compliance spreadsheet checklist includes details the majority of compliance and operation issues that are required throughout the year. Council should refer to the DCEO any items they wish to raise for review each month.

This process is not definitive – each month additional items and/or actions may be identified and are then added to the monthly checklist workload. Some items are not always completed each month – e.g. quarterly actions and these will be notations.

Additionally – Items not completed each month will be contained in the report body.

Compliance recorded in this way should provide Council with the surety that all known compliance and operational requirements are being addressed as part of staff workloads and that a degree of internal audit is being completed.

BACKGROUND & COMMENT:

The Compliance Team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the administration staff member will send to the listed staff members an email detailing their compliance requirements for the month.

MINUTES OF ORDINARY MEETING HELD 21 SEPTEMBER 2016

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will undertake the analysis of the work required and determine the extent of action needed that will be required to complete items. During Agenda week the monthly report/list is reviewed to ensure compliance items are completed and can be reported to Council. As the Agenda is prepared – the CEO or DCEO sign off on all completed items.

MATTERS OF NON COMPLIANCE: AUGUST 2016

- Bank Reconciliation for the Kulin Bush Races has been completed but the journals placing the income and expenditure for the month have not been processed. These will be processed for the September financials.
- Debt recovery tasks have not been completed. We will wait until rates for this financial year are overdue and complete all at the one time.
- Asset disposals, additions, depreciation and reconciliation have not been processed as we are yet to have our Audit signed off on. We are still recording the purchase of these asset items in the financials but have not processed the other tasks in the asset module. We are unable to roll forward the new year in the asset module until the audit has been passed.

FINANCIAL IMPLICATIONS:

In the generation of the report – Nil In terms of meeting compliance – there may be items that require additional administrative effort to complete or require external assistance to resolve. In those cases, individual financial implications will be reported.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Identified as necessary – this report Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council acknowledge the monthly Accounting Compliance Report and endorse the recommendations. Where non-compliance is detailed – Council recommendation for corrective action be listed.

VOTING REQUIREMENTS:

Simple majority required.

25/0916

Moved Cr Taylor Seconded Cr Taylor that Council acknowledge the monthly Accounting Compliance Report for August 2016. Where non-compliance is detailed, DCEO to finalise outstanding items and report September 2016.

Carried 8/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

10.1 Camp Kulin Manager – Intellectual Property (IP)

Section 5.23(b) of the Act – “the personal affairs of a person”

26/0916

Moved Cr McInnes Seconded Cr O’Brien that Council close the meeting to the public under Section 5.23 (b) of the Act – the personal affairs of an employee.

Carried 8/0

Len Hobson left the Council Chambers at 6:02pm

28/0916

Moved Cr Duckworth Seconded Cr Varone that Council resume the meeting open to the public and that the items discussed by Council remain confidential until further notice.

Carried 8/0

11. DATE AND TIME OF MEETING

The next Ordinary Council meeting will be held on Wednesday 19 October 2016 at 1:00pm.

12. CLOSURE OF MEETING

There being no further business the meeting closed at 6:13pm.